IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 849/2007
(Suresh Chandra Vs. State of Rajasthan & Ors.)

Date of Order : 15/02/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. P.R.Mehta for the petitioner.

BY THE COURT:-

By the instant writ petition under Article 226 of the Constitution of India, the petitioner has challenged the order dated 30.1.2007 Annex.2 by which the petitioner has been transferred from Banswara to Udaipur.

The order impugned is appelable before the Rajasthan Civil Services Appellate Tribunal and without exhausting the efficacious remedy of appeal, the petitioner has filed the instant writ petition and therefore, learned counsel for the petitioner submits that the petitioner may be permitted to file an appeal before the Appellate Tribunal within 30 days and for a period of 30 days, the order impugned dated 30.1.2007 qua the petitioner may be stayed so that the petitioner can

approach the Service Appellate Tribunal.

Accordingly, the writ petition is dismissed on the ground of availability of the alternative remedy of appeal provided under the Statute. However, the petitioner is permitted to file an appeal assailing the order impugned Annex.2 dated 30.1.2007 before the Rajasthan Civil Services Appellate Tribunal within 30 days from today and if such an appeal is filed within a period of 30 days from today, the period of limitation would not come in the way of the petitioner and for a period of 30 days from today, the effect and operation of the order impugned dated 30.1.2007 Annex.2 qua the petitioner shall remain stayed or any order passed by the tribunal whichever is earlier. No costs.

(H.R.PANWAR),J.

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